BEST AVAILABLE COPY

[redacted]

Remarks

In the present response, three claims (1, 3, and 18) are amended; and three claims (24-26) are canceled. No new matter is entered. Claims 1 – 23 are presented for examination.

I. Objection: Abstract

The Abstract is amended to have between 50 and 150 words. Applicant respectfully asks the Examiner to withdraw the objection.

II. Claims Rejection: 35 USC § 102(e)

Claims 1-8, 10-11, and 15-21 are rejected under 35 USC § 102(e) as being anticipated by USPN 6,689,622 (Drewes). Applicant respectfully traverses this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Drewes neither teaches nor suggests each element in the claims, these claims are allowable over Drewes.

The claims recite numerous recitations that are not taught or suggested in Drewes. Applicant provides examples for independent claim 1.

Independent claim 1 recites a magnetic memory cell having a reference layer that carries a sense current received from the sense layer. Claim 1 is amended to state that this "sense current flows from the first line through the sense layer and **away from the memory cell via the reference layer** to determine a resistive state of the memory cell" (emphasis added). Nowhere does Drewes teach or suggest these recitations.

As shown in FIG. 20, Drewes teaches magnetic memory cells 100 having a sensing structure 89, nonconductive layer 80, and a pinning structure 79. As expressly taught in Drewes, this pinning structure 79 further comprises four different layers, including one layer 77 as the pinned layer (see FIG. 13 and col. 5, lines 16-42). Nowhere does Drewes teach or even suggest that a sense current flows away from the memory cell via the pinned layer to determine a resistive state of the memory cell. For example, nowhere does Drewes teach that a sense current flows from word line 93 through sensing layer 89 and away from a magnetic memory cell 100 via the pinned layer to determine the resistive state of the memory cell.

For at least these reasons, claim 1 is allowable over Drewes. Independent claim 18 is allowable for at least these reasons. The dependent claims are allowable for at the least the reasons given in connection with the respective independent claims.

III. Allowable Subject Matter

Applicant sincerely thanks the Examiner for indicating allowance of claims 9, 12-14, and 22-23.

BEST AVAILABLE COPY

CONCLUSION

In view of the above, Applicant believes that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Philip S. Lyren
Reg. No. 40,709
Ph: 281-514-8236

CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 6th day of February, 2006.

By: Carrie McKerley
Name: Carrie McKerley